



**BARTHOLOMEW COUNTY  
BOARD OF ZONING APPEALS  
HEARING OFFICER  
(May 10, 2016 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** B/DS-16-04 (David Jackson)  
**Staff:** Charles Russell  
**Hearing Officer:** Melissa Begley  
  
**Applicant:** David Jackson  
**Property Size:** 31,145 square feet  
**Current Zoning:** RS1 (Residential: Single-Family 1)  
**Location:** 4851 South Poplar Drive, in Ohio Township

**Background Summary:**

The applicant is requesting a variance from Zoning Ordinance Section 6.1 (E)(3) to build a three-car garage in the front yard. The Zoning Ordinance defines the front yard as the area between the road or street and the nearest part of the house or primary structure. The house is located on Grandview Lake.

**Preliminary Hearing Officer Decision:**

Approval – All criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the RS1 (Residential: Single-family 1) district is as follows: Is intended to provide areas for low density single-family residences in areas with compatible infrastructure. Development should provide convenient access to Collector and Arterial streets or roads, parks and open space, employment, and convenience goods.

**Development Standards:** Section 6.1 (E)(3): No other accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the district in which it is located.

Current Property Information:	
Land Use:	Single-family residential
Site Features:	The property is located on Grandview Lake. A drainage swale is located in the northeast corner of the property.
Flood Hazards:	A small part of the southern portion of the property is located in the Zone A Flood Zone.
Vehicle Access:	Poplar Drive (Local Road)

<b>Surrounding Zoning and Land Use:</b>		
	<b>Zoning:</b>	<b>Land Use:</b>
<b>North:</b>	RS1 (Residential Single-Family 1)	Single-family house
<b>South:</b>	RS1 (Residential Single-Family 1)	Single-family house
<b>East:</b>	RS1 (Residential Single-Family 1)	Grandview Lake
<b>West:</b>	AG (Agriculture: General)	Single-family house Large wooded area

<b>Interdepartmental Review:</b>	
<b>County Engineer:</b>	No comments at this time.
<b>Code Enforcement:</b>	No comments at this time.

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The property is located on Grandview Lake. It is not uncommon for properties on waterfront to consider the front yard as the side that faces the water, and for those properties to have attached or detached garages facing the street or road.
2. The applicant has proposed a 24 foot by 32 foot three-car garage. It will be located 12 feet from the western property line, 77.5 feet from the Poplar Drive right-of-way, and roughly 50-60 feet from the house.
3. Zoning Ordinance Section 6.1 (E)(3) states "No other accessory structure shall be permitted in any front yard, or within the required side and rear yard setbacks specified by the district in which it is located." The front yard is defined as "the horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line."
4. The house is located near the waterfront leaving most of the property to be located in the front yard. This front yard area slopes from an elevation of 758 feet at the road to 742 feet near the front foundation of the house. In the rear yard, between the house and the lake, the property slopes from 746 feet near Cedar Drive to 732 feet at the water.

**Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals Hearing Officer may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Hearing Officer may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

*Provisional Findings:* The proposed location for the garage meets all required setbacks in this zoning district. The garage does not obstruct the view for drivers, pedestrians, or other users of Poplar Drive, or the views of users entering or exiting the driveway on the property. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

*Provisional Findings:* The garage would be screened from the north and west property lines by natural vegetation, and because of topography it would sit much lower than the grade of Poplar Drive and Cedar Drive. The garage would not obstruct the view of the lake for the neighbor to the southwest, as it exceeds the required 5 foot setback by 7 feet. It was also observed that several other properties on Grandview lake have detached garages in the front yard, so this request would not be out of character for the area. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

*Provisional Findings:* The proposed location for the garage is the only feasible location for the structure on this particular lot. The topography of the rear lot (lakefront) makes it difficult to establish an accessory structure behind the house, and there is not sufficient space to build in the side yards. The front yard is also limited by topography creating a difficulty in building an attached garage, and based on the contours of the site the proposed location is the most level part of the property. The strict application of the zoning ordinance would create a practical difficulty in placing the garage elsewhere on the property. *This criterion has been met.*

**Hearing Officer Options:**

In reviewing a request for development standards variance the Hearing Officer may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Hearing Officer, (4) deny the petition (with or without prejudice), or (5) forward the petition to the full Board of Zoning Appeals.